

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CATHY JAHNS,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of  
Social Security Administration,

Defendant.

CASE NO. C05-5408FDB

ORDER ADOPTING REPORT  
AND RECOMMENDATION

Plaintiff, who had worked as a college professor/instructor at Clark Community College from 1977 through June 1992 decided to take early retirement, and in 1994 applied for disability benefits owing to chronic depression, panic disorder, generalized anxiety disorder, obsessive compulsive disorder, inability to tolerate stress, limb pain syndrome, post-traumatic stress disorder, and social anxiety phobia. Plaintiff's application was denied initially, on remand for further proceedings, and the denial was affirmed on appeal. The Magistrate Judge reviewed the record and concluded as to mental impairments that the ALJ's rejection of ARNP Barbara Minchin's opinion was correct, as she is not a medically acceptable source (20 C.F.R. § 404.1513(a), and even if she were, her opinion is contradicted by State agency psychologists' opinions, and the ALJ is entitled to resolve conflicts in medical evidence. As to physical impairments, the Magistrate Judge concluded that the ALJ's rejection of medical evidence from the 1980s as too remote, that symptoms waxed and waned while Plaintiff worked up until June 1992; that Dr. Bong's opinion reflected that by 1991 her medical condition was progressing well and wrist and ankle pain had completely resolved; and that his not giving much weight to Dr. Rienstra's opinion was appropriate, as an ALJ need not accept a treating physician's opinion that is brief and conclusory in form with little in the way of clinical findings to support its conclusion. *Magallanes v. Bowen*, 881 F.2d 747, 751 (9<sup>th</sup> Cir 1989).

Plaintiff objects to the R&R arguing that contrary to the State agency medical experts, there was sufficient evidence in the record of a severe mental impairment. The problem with this contention, as pointed out by Defendants in response, is that neither the biofeedback therapy, the opinion of somatization,


1 and prescription for depression medication comprises proof of a disability, as distinct from an impairment.  
2 The same problem exists as to Plaintiff's contentions regarding Dr. Hing's findings. Plaintiff also objects  
3 to the rejection of ARNP Minchin's opinion for the reason that her opinion was relevant to the severity of  
4 Plaintiff's impairments and the State medical experts erred in their conclusion of insufficient evidence. On  
5 the contrary, the Court has reviewed the ALJ's decision and finds his conclusions well reasoned and  
6 supported by the Record. Plaintiff objects to the rejection of Dr. Rienstra's opinions, but the Court does  
7 not concur. The ALJ stated that Dr. Rienstra's opinion that "Cathy Jahsn is disabled and has been unable  
8 to work since 1993" was "unsupported by reference to clinical findings, objective clinical evidence, or  
9 specific limitations." (R&Rp. 5, ref Tr. 32-33.) The ALJ need not accept such an unsupported opinion.  
10 *Magallanes v. Bowen*, 881 F.2d 747, 751 (9<sup>th</sup> Cir. 1989).

11 In summary, the ALJ reached a conclusion that is well supported by the Record, and the Court will  
12 adopt the Report and Recommendation.

13 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J.  
14 Kelley Arnold, United States Magistrate Judge, objections to the report and recommendation, and the  
15 remaining record, does hereby find and ORDER:

- 16 (1) The Court adopts the Report and Recommendation;  
17 (2) The administrative decision is AFFIRMED; and  
18 (3) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel  
19 and Magistrate Judge J. Kelley Arnold.  
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21 DATED this 3<sup>rd</sup> day of April 2006.

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24 FRANKLIN D. BURGESS  
25 UNITED STATES DISTRICT JUDGE  
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